

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§9-665.

(a) (1) In accordance with this section, a district may buy an existing municipal system or independent system.

(2) The purchase may be on any terms that are:

(i) In accordance with this subtitle; and

(ii) Agreed on by the sanitary commission and the owner of the municipal system or independent system.

(3) (i) In Worcester County, notwithstanding any other provision of this article or any regulation adopted under this article, an agreement to purchase an independent system may include long-term commitments by the Sanitary Commission of Worcester County or the County Commissioners of Worcester County to provide water and sewer service to, and maintain appropriate zoning, development, permits, and other land use regulations for, land within the previous franchise area of the independent system at any terms and conditions that the Sanitary Commission or the County Commissioners determines to be appropriate.

(ii) For the purposes of this paragraph (3) of this subsection, the County Commissioners of Worcester County may make long-term commitments concerning zoning, development, permits, or other land use regulations. Also, the Sanitary Commission of Worcester County may make long-term commitments to provide for water or sewer service.

(b) Except for a nominal amount to bind the agreement, before the district pays any part of the purchase price, the seller of the municipal system or independent system shall provide the sanitary commission with a verified written statement that gives the name and address of each person who has any interest in, or claim against, any property of the municipal system or independent system.

(c) (1) By personal delivery or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, the sanitary commission shall give notice of its intention to buy the system to each person named in the verified statement provided under subsection (b) of this section.

(2) At least 3 weeks before a purchase is made under this section, the sanitary commission shall publish, in each member county where the system to be

bought is located, a notice of its intention to buy a system. The notice shall be published in each member county in at least 1 newspaper of general circulation in the county.

(3) In each notice delivered, mailed, or published under this subsection, the sanitary commission shall include a date on which the sanitary commission will hear persons who have an interest in or claim against any property of the municipal system or independent system.

(d) On or before the date specified in the notice, each person who has a claim against any property of a municipal system or independent system shall file with the sanitary commission notice of that claim.

(e) (1) On the date specified in the notice, the sanitary commission shall hold a hearing to determine the claim of any person who has filed a notice of claim with the sanitary commission.

(2) The sanitary commission's decision on the claim is final.

(f) (1) By exercise of the power of eminent domain as provided in Title 12 of the Real Property Article, the district may acquire rights in an independent system if the owner of the independent system:

(i) Has rejected an offer made under this section; or

(ii) Has not accepted, within 90 days of the offer, an offer made under this section.

(2) The district may not acquire a municipal system under the power of eminent domain.

(g) (1) When the district has paid the purchase price or condemnation award:

(i) The rights of the district with respect to the acquired system are the same as if the district had itself built that system; and

(ii) Except as otherwise provided in this subsection, all parcels of property served by the acquired system are subject to the provisions of this subtitle as if the district had itself built the system.

(2) A person whose parcel was connected properly to a municipal system or independent system at the time the district acquired that system is not required to pay a connection charge to the district for connection to that parcel.

(h) A municipality may use funds received from the district under this section:

(1) To redeem, buy, or pay the principal and interest on bonds issued for the municipal system; and

(2) To pay any other debt outstanding against the municipal system.

(i) This section does not authorize the acquisition of any part of a municipal system or independent system that:

(1) Is constructed improperly;

(2) Does not have sufficient capacity; or

(3) Was constructed without the authority from the Department that was required when that system was constructed.

[\[Previous\]](#)[\[Next\]](#)